



## COUNTY ATTORNEY MEETING COMMUNITY ROOM

This meeting may be closed to the public.

**March 21, 2022 @ 1:45 PM**

- **Discussion re:** Mental Health Update.
- **Discussion re:** Hyalite Meadows POA RID Issue.
- **Discussion re:** HB 257 and Guidance for Planning and Compliance Staff.
- **Discussion re:** CANUSA, LLC Compliance Agreement and Request for Third Amendment/Addendum.
- **Discussion re:** MFFA Support for a C-Face District in Gallatin County.
- **Discussion and Decision re:** Big Sky Park District ILA Comments.

## Hamlin, Pam

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**From:** Brown, Zach  
**Sent:** Tuesday, March 15, 2022 12:16 PM  
**To:** Hamlin, Pam  
**Subject:** FW: Hyalite Meadow POA RID Issue  
**Attachments:** Road Encroachment-Hyalite Meadow.jpg

Pam, can you please include this email and attachment in the meeting packet for next Monday's attorney meeting?  
Thanks!

**From:** Marshall White <muzwhite@msn.com>  
**Sent:** Monday, March 14, 2022 3:23 PM  
**To:** Brown, Zach <Zach.Brown@gallatin.mt.gov>  
**Subject:** Hyalite Meadow POA RID Issue

(Note: above attachment should be able to open with **PAINT** option)

Dear Sir,

CB & Associates discovered a discrepancy in the boundary corner shared by Lots 14 and 15 of Hyalite Meadow, as well as the owner of Tract A COS 426A, approximately in April 2014.

Owners at that time:

- Lot 14                      Bird and Slinde
- Lot 15                      Marshall and Marsha White
- Tract A COS 426A      Lang
- COS 682                    Townsend

Subsequent meetings were held by all those affected up through January 2015, with only Bird and Slinde

refusing to sign off on the amended plat of Hyalite Meadow (in order for it to be re-registered with the county.)

Their reasoning: The potential development north of Hyalite Meadow's northern terminus would devalue their property, which would soon be up for sale. As the statute of limitations had long past with no contesting of the

boundary locations within that time period, the 'current view is the legal view' ensured that Indian Paint Brush Drive's

current *incorrect* northern terminus would remain in place.

Lot 14 was eventually sold to Robinson who went as far as blockading the 30 ft. public right-of-way on the northern

boundary of his property. His intent was to prevent foot/vehicle traffic from accessing Cayuse Trail west of his property.

He also built a chicken coupe on that easement. This attitude of “I ain’t signing nothing” continued with the affected neighbors until a few years ago, when he sold it to a young couple.

The new owners, the Metz’s, are very approachable and desire to be good neighbors. Our brief talks with them revealed that the boundary discrepancy was never mentioned in the sales transactions. How they acquired a loan without a confirmation of the true boundaries is anybody’s guess. However, they appear to be accepting of the road encroachment on their property with the hopeful solution that they will be compensated for the .06 acre (4500 sq ft) loss to Lot 14’s 1.795 acres.

A brief history of how this boundary dilemma began:

We purchased Lot 15 from Gene Cook in January 1979, provided we approved the 4 corner boundaries. The plat’s western side was adjacent to the eastern right-of-way of Indian Paintbrush Drive, which already existed. As there was apparently no awareness of the encroachment, the northwest corner’s rebar benchmark was detected and staked accordingly by the developer.

So we began enclosing our property with fence line. Upon research recently, I theorized that our NW boundary was actually Lot 14’s Public Roadway Easement (30’ wide) intersection with the “platted” Indian Paintbrush Drive of 1975.

The White’s solution to this problem is to have all affected parties sign-off on the current amended plat, have it recorded, and find some way to compensate the Metz’s for their lost acreage. We’ve already paid **\$3850** for surveying and relocating fence lines back to the original plat of 1975, and our northern neighbors, the Williamson’s, probably even more! Interestingly, to the best of our knowledge, all the owners of Lot 14 have contributed nothing financially to solving this problem that began in 2014!!

Thank you for your willingness to help.

Sincerely,

Muz.

Marshall White

[muzwhite@msn.com](mailto:muzwhite@msn.com)

PO Box 3615, Bozeman, Montana 59772

(406) 587-5343

## Hamlin, Pam

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**From:** Brown, Zach  
**Sent:** Wednesday, March 16, 2022 2:39 PM  
**To:** Malena Metz  
**Cc:** darcydv@centurylink.net; Hamlin, Pam  
**Subject:** RE: Hyalite Meadow POA RID Issue

Thanks for your input, Malena. You are welcome to join us next Monday at 1:45pm for our initial discussion on this issue. The meeting will involve the full County Commission, our County Attorney's office, and a representative from Morrison Maierle who manages your RID. We would welcome your public comment, in person or via zoom.

Pam, will you please include this email from Ms Metz in our meeting packet for Monday's meeting?

While I personally do not yet have a full understanding of the issue, let alone a fully formed opinion of how we might resolve the issue, I will suggest (speaking only for myself) that the County will be unlikely to provide direct funding for any identified solution. The roads in your subdivision are managed and maintained by your HOA under Rural Improvement District funding assessments. The county is merely the facilitator of the financial mechanism that supports your neighborhood's road maintenance. Here is the history of the issue as I understand it, which might be helpful:

- Hyalite Meadows was platted in 1975
- Developer constructed gravel roads probably in 1975
- RID 383 was created in 2002 for the purpose of paving the roads
- Roads were paved in 2003 by the RID with Kerin & Associates as the engineer – pavement was just placed where roads were already built
- Your HOA contacted Morrison Maierle in early 2021 advising them of the right of way problem and asking for suggestions.
- In consultation with the County, Morrison Maierle made the decision to stop the overlay project at the point where the road leaves the right of way. It was determined that the contractor did not have legal access to perform the work.
- Pavement overlay was completed in 2021

All of that being said, we certainly understand your frustration and hope to help facilitate a solution that corrects this messy situation.

Zach Brown  
Gallatin County Commissioner  
582-3006 (office)  
551-3879 (cell)

**From:** Malena Metz <malena@malenametz.com>  
**Sent:** Wednesday, March 16, 2022 1:18 PM  
**To:** Brown, Zach <Zach.Brown@gallatin.mt.gov>  
**Cc:** darcydv@centurylink.net  
**Subject:** Hyalite Meadow POA RID Issue

Dear Zach Brown or whom it may concern,

My name is Malena Metz and I am the current owner of Lot 14 of Hyalite Meadows. My husband Tanner and our 3 year old son McCoy currently reside at this residence. We purchased the home February 12th 2021 from Barry and Jennifer Robinson via a For Sale By Owner transaction.

In December 2020 an ad popped up on Zillow listing Lot 14, my husband and I had already been cash outbid on 5 other properties in our search for a family home, so we jumped on seeing this property. During the process of purchasing the property, December 19, 2020 - February 12th 2021, we had very little interaction with Barry Robinson, never met or spoke to his wife Jennifer, and only saw him on the first day of the showing.

The situation was less than ideal and at times very uncivil with negotiations on the Robinsons end. Since no realtor was involved on either end of the process it was very different from a traditional purchase. The existence of the 30 ft easement on the North boundary of Lot 14 was the only part that was disclosed to us. It was not brought to our attention that the previous owners had taken legal action to get the easement removed which resulted in strong public opposition from both HOA's. This was discovered after we moved in.

Through brief conversations while meeting our new neighbors, after we had moved in, we also discovered the northernmost end of Indian Paintbrush Drive's road encroachment on our property. Having been told/sold that Lot 14 was 1.79 acres and then finding out after the fact that this issue involves 0.06 (4500 sq ft) of that 1.79 acres was a complete surprise to us.

Our desired outcome for this problem is that Gallatin County cover the cost of correcting this issue that began when it was improperly zoned/paved and we are able to get our land back. Our fear is that this issue has been going on for at least 8 years and we have lived here for only 1 year, having learnt about this after we closed on the property. We are hopeful in finding a solution that doesn't solely leave us with the financial burden of correcting the road.

Thank you so much for your time and consideration and we greatly look forward to your response on this matter.

Sincerely,  
Malena Metz and Family

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### **Malena Metz**

Founder | Master Mentor | Executive Coach

Malena Metz Certified Astrology Coach



 [malena@malenametz.com](mailto:malena@malenametz.com)

 [www.malenametz.com](http://www.malenametz.com)

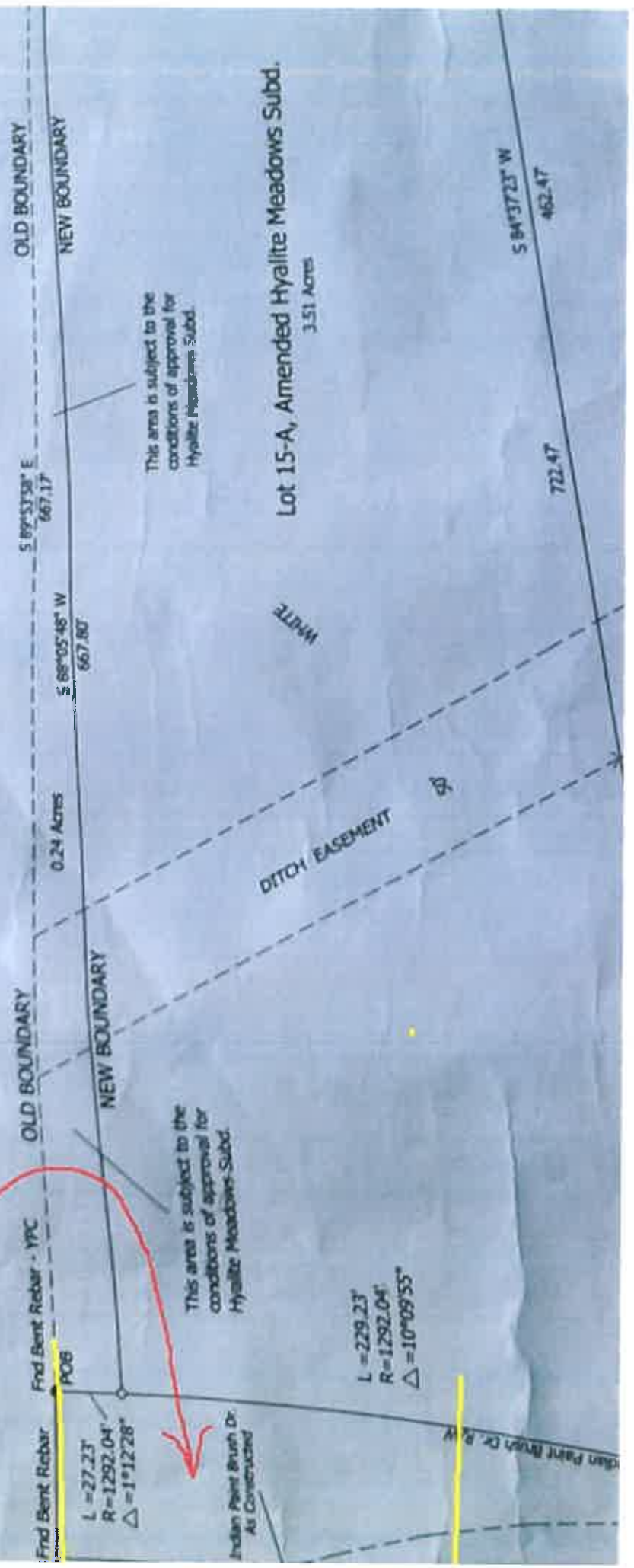
 Bozeman, MT

**Amended Plat of Lot 15, HYALITE MEADOWS SUBDIVISION and Tract A of CERTIFICATE OF SURVEY NO. 426A**  
**Tracts 15 of HYALITE MEADOWS SUBDIVISION and Tract A of CERTIFICATE OF SURVEY NO. 426A**  
**located in Section 3, Township 03 South, Range 05 East, P.M.M., Gallatin County, Montana**

Fred Bent Rebar

Legal location of Indian Paintbrush, according to 3/28/75 only-recorded plat.

Tract A-1 of COS 426A-1  
10.24 Acres





Road not  
in right of  
way

## Hamlin, Pam

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**From:** Skinner, Joe  
**Sent:** Thursday, March 17, 2022 9:31 AM  
**To:** Hamlin, Pam  
**Subject:** FW: Big Sky Park District ILA comments

**From:** Arnold, Erin  
**Sent:** Thursday, March 17, 2022 9:09 AM  
**To:** Skinner, Joe <Joe.Skinner@gallatin.mt.gov>; MacFarlane, Scott <Scott.MacFarlane@gallatin.mt.gov>; Brown, Zach <Zach.Brown@gallatin.mt.gov>  
**Cc:** Doar, Jim <Jim.Doar@gallatin.mt.gov>  
**Subject:** RE: Big Sky Park District ILA comments

Yes, that works fine for me. Thanks, Joe.



**Erin L. Arnold** | Chief Civil Deputy Gallatin County Attorney

**Office:** 14061 582-3745  
**email:** [erin.arnold@gallatin.mt.gov](mailto:erin.arnold@gallatin.mt.gov)  
**address:** 1709 W. College Street, Suite 200  
Bozeman, Montana 59715

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**From:** Skinner, Joe <[Joe.Skinner@gallatin.mt.gov](mailto:Joe.Skinner@gallatin.mt.gov)>  
**Sent:** Thursday, March 17, 2022 8:55 AM  
**To:** Arnold, Erin <[Erin.Arnold@gallatin.mt.gov](mailto:Erin.Arnold@gallatin.mt.gov)>; MacFarlane, Scott <[Scott.MacFarlane@gallatin.mt.gov](mailto:Scott.MacFarlane@gallatin.mt.gov)>; Brown, Zach <[Zach.Brown@gallatin.mt.gov](mailto:Zach.Brown@gallatin.mt.gov)>  
**Cc:** Doar, Jim <[Jim.Doar@gallatin.mt.gov](mailto:Jim.Doar@gallatin.mt.gov)>  
**Subject:** RE: Big Sky Park District ILA comments

I would suggest we should put this on the attorney meeting for Monday to discuss where we are and next steps. Would that work for you Erin?

Joe

**From:** Arnold, Erin  
**Sent:** Thursday, March 17, 2022 8:25 AM  
**To:** Skinner, Joe <[Joe.Skinner@gallatin.mt.gov](mailto:Joe.Skinner@gallatin.mt.gov)>; MacFarlane, Scott <[Scott.MacFarlane@gallatin.mt.gov](mailto:Scott.MacFarlane@gallatin.mt.gov)>; Brown, Zach <[Zach.Brown@gallatin.mt.gov](mailto:Zach.Brown@gallatin.mt.gov)>  
**Cc:** Doar, Jim <[Jim.Doar@gallatin.mt.gov](mailto:Jim.Doar@gallatin.mt.gov)>  
**Subject:** FW: Big Sky Park District ILA comments

Morning Commissioners,



The former Big Sky Parks Board members are asking about the status of the interlocal. How should I respond? Have you discussed with Madison County?

I say "former" as the Board is dissolved at this point due to the expiration of the prior agreement. The interlocal needs to be entered and the board members reappointed to conduct any business.

Thanks,  
Erin



Erin L. Arnold | Chief Civil Deputy Gallatin County Attorney

| office: (406) 582-5743

| email: [erin.arnold@gallatin.mt.gov](mailto:erin.arnold@gallatin.mt.gov)

| address: 1709 W. College Street, Suite 200  
Bozeman, Montana 59715

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From: Meg O'Leary <[meg@m2olearygroup.com](mailto:meg@m2olearygroup.com)>

Sent: Wednesday, March 16, 2022 1:42 PM

To: Arnold, Erin <[Erin.Arnold@gallatin.mt.gov](mailto:Erin.Arnold@gallatin.mt.gov)>

Cc: [commissions@gallatin.mt.gov](mailto:commissions@gallatin.mt.gov); Al Mal <[al\\_mal@yahoo.com](mailto:al_mal@yahoo.com)>; STEVEN Johnson <[johnsons731@aol.com](mailto:johnsons731@aol.com)>

Subject: Big Sky Park District ILA comments

Hi Erin,

The Board has reviewed the draft and want to thank you for your thoroughness. The comments are:

- Changes are substantial, draft much cleaner and simpler
- paragraph 2 looks like renewals are automatic until termination
- paragraph 6 d and 6 e reference Gallatin County but no mention of Madison County
- termination provisions of paragraph 9 are substantially different

You'll note there is not a specific question in those comments and if you have any comments to our comments, we'd love to hear them.

What are the steps needed to get this to Madison County?

Thanks for the assistance.  
Meg